

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ANTHONY ANDRE PAUL, et al.,	:	
	:	
Plaintiffs,	:	
	:	16-CV-1952 (VSB)
- against -	:	
	:	<u>ORDER</u>
	:	
NORTH CENTRAL BRONX HOSPITAL, et	:	
al.,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Currently before me are the parties' respective submissions, which were filed under seal, regarding Dr. Monica Smiddy's unavailability to testify in person during trial. (Docs. 362, 373.) Accordingly, it is hereby:

ORDERED that, on or before May 20, 2024, Dr. Smiddy submit by email to BroderickNYSDChambers@nysd.uscourts.gov a sworn statement regarding the reasons why she believes she should not be required to testify. Dr. Smiddy's sworn statement should include (but need not be limited to) responses to the following questions:


1. When she last testified in either a deposition, hearing, or trial.
2. When she last testified in either a deposition, hearing, or trial as a medical examiner.
3. The nature of any health issues, including mental health issues, as well as any medical diagnoses that would impede or impact her ability to testify.
4. When she last reviewed the autopsy report she prepared in connection with the death of Anthony Andre Paul, including any underlying materials which were used in connection with the preparation of the autopsy report or which were received from the Office of the Medical Examiner related to the autopsy.

5. The extent of her memory of the autopsy she performed in connection with the death of Anthony Andre Paul.

IT IS FURTHER ORDERED that counsel for the Officer Defendants provide a copy of this Order to Dr. Smiddy by email.

SO ORDERED.

Dated: May 14, 2024
New York, New York


Vernon S. Broderick
United States District Judge